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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,320

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Francis M. Lacan

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05/10/2007

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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/988,320

Applicant(s)

LACAN ET AL.

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/6/06</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's arguments filed February 28, 2007, have been fully considered but they are not persuasive.
2. Claims 1-24 are pending and have been examined.

***Response to Amendment***

3. The objections to claims 1, 12, 16, and 20 are withdrawn.
4. The rejection of claims 1, 6, and 20 under 35 U.S.C. 112, second paragraph, is withdrawn.
5. The rejection of claims 20-24 under 35 U.S.C. 101 is withdrawn.
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing analysis based on the confidential details of the data, page 10) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's arguments are not persuasive.
7. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Claim Rejections - 35 USC § 102***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 1, 3, 4, 6, 7, 11, 20, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lei et al. (US Patent 6,487,552, hereinafter Lei).**

**Regarding claims 1 and 20, Lei teaches**

**a data management system (**abstract**), comprising:**

- **an access control system for limiting access to the data management system to authorized entities (**summary**);**
- **a data confidentiality system for identifying details in received data as one of secret, temporarily secret, possibly secret, and not secret, wherein secret, temporarily secret and possibly secret comprise confidential details and concealing confidential details in received data while allowing a composite analysis to be performed that is based on the confidential details (**col. 1, lines 20-60**);**
- **a data storage system for storing the received data (**col. 5, lines 8-67, hardware overview**); and**
- **a data update system for periodically automatically examining stored data to identify and expose any confidential details that have become non-confidential details (**col. 9, lines 1-67, defining and setting context attributes**).**

**Regarding claims 3 and 22**, Lei teaches wherein stored data is analyzed with a data analysis system **(functional overview)**.

**Regarding claims 4 and 23**, Lei teaches wherein the data analysis system is permitted to analyze the stored data based upon approval by full rights members of the data management system **(functional overview)**.

**Regarding claims 6 and 24**, Lei teaches wherein the received data and the stored data are operational risk data **(col. 1, lines 20-60, col. 9, lines 1-67, defining and setting context attributes)**.

**Regarding claim 7**, Lei teaches wherein the system mitigates operational risk **(col. 1, lines 20-60, col. 9, lines 1-67, defining and setting context attributes)**.

**Regarding claim 11**, Lei teaches a customer relationship management tool for verifying a policy of an entity **(col. 16, Policy Function section)**.

***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lei, and further in view of Admission.**

**Regarding claim 5**, Lei does not expressly disclose wherein data management system is a tamper resistant, tamper evident, tamper sensitive, tamper reactive, and programmable system. However, these features have been admitted per applicant to have been conventional and well known at the time the invention was made by the

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failure to adequately challenge the examiner's use of official notice in a previous office action.

**12. Claims 2, 8-10, 12-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lei, and further in view of Singhal (US Patent 6,938,022).**

**Regarding claim 12, Lei teaches a data management system (abstract), comprising: an access control system for limiting access to the data management system to authorized entities (summary); a data confidentiality system for identifying details in the received data as one of secret, temporarily secret, possibly secret and not secret, wherein secret, temporarily secret and possibly secret comprise confidential details and concealing confidential details in the received data while allowing a composite analysis to be performed that is based on the confidential details (col. 1, lines 20-60); a data storage system for storing received data after the confidential details have been concealed (col. 5, lines 8-67, hardware overview); a data update system for periodically examining stored data to identify and expose any confidential details that have become non-confidential details (col. 9, lines 1-67, defining and setting context attributes); a program approval system for approving systems for analyzing the stored data (col. 8, lines 32-67). Lei does not expressly teach, however Singhal does teach a data decryption system for receiving at randomly generated time intervals and decrypting received operational risk data (col. 7, lines 1-67); and a key security system for protecting encryption keys (col. 15, lines 17-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teachings of Singhal to the system of Lei. One of ordinary skill in the**

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art would have been motivated to do so to provide data confidentiality (**Singhal, abstract, background**).

**Regarding claim 16**, Lei teaches a method for managing data (**abstract**), comprising: identifying details in the received data as one of secret, temporarily secret, possibly secret and not secret, wherein secret, temporarily secret and possibly secret comprise confidential details and concealing confidential details in the received data while allowing a composite analysis to be performed that is based on the confidential details (**col. 9, lines 1-67, defining and setting context attributes**); storing the received data (**col. 5, lines 8-67, hardware overview**); and updating the stored data by identifying and exposing any confidential details that have become non-confidential details in the stored data (**col. 9, lines 1-67, defining and setting context attributes**). Lei does not expressly teach, however Singhal does teach receiving operational risk data at randomly generated time intervals in a secured manner from an authorized provider (**col. 7, lines 1-67**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teachings of Singhal to the system of Lei. One of ordinary skill in the art would have been motivated to do so to provide data confidentiality (**Singhal, abstract, background**).

**Regarding claims 2, 17, and 21**, Lei teaches a program approval system for approving systems for analyzing the stored data (**col. 8, lines 32-67**). Lei does not expressly teach, however Singhal teaches a data decryption system for decrypting received data (**col. 7, lines 1-67**); a data verification system for verifying an accuracy of received data (**col. 7, lines 1-67**); and a key security system for protecting encryption

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keys (**col. 15, lines 17-67**). The reason for combining is the same as that for claims 12 and 16 above.

**Regarding claim 8**, Lei does not expressly disclose, however Singhal teaches wherein data is received based upon a randomly generated time interval (**col. 7, lines 1-67**). The reason for combining is the same as that for claims 12 and 16 above.

**Regarding claim 9**, Lei does not expressly disclose, however Singhal teaches wherein the confidential details cannot be accessed by any entity (**col. 7, lines 1-67**). The reason for combining is the same as that for claims 12 and 16 above.

**Regarding claim 10**, Lei does not expressly disclose, however Singhal teaches wherein the confidential details can only be accessed by a plurality of entities acting in concert (**col. 7, lines 1-67**). The reason for combining is the same as that for claims 12 and 16 above.

**Regarding claims 13 and 18**, the combination of Lei and Singhal teaches wherein stored data is analyzed with a data analysis system (**Lei, functional overview**).

**Regarding claims 14 and 19**, the combination of Lei and Singhal teaches wherein the data analysis system is permitted to analyze the stored data based upon approval by full rights members of the data management system (**Lei, functional overview**).

**Regarding claim 15**, the combination of Lei and Singhal teaches wherein a provider submits the operational risk data to the data management system, and wherein



a requester accesses the stored data (Lei, col. 1, lines 20-60, col. 9, lines 1-67, defining and setting context attributes).

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication 2004/0049679 to Meggle disclose using a tamper resistant/tamper evident authentication device. US Patent Numbers 6,224,486 and 6,425,828 to Walker et al. disclose the use of tamper evident/resistant/reactive/sensitive systems/memory; US Patents 6,275,824 and 6,253,203 to O'Flaherty et al. teach a privacy enhanced database with consumer privacy parameters.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-

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5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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